

ALEX G. TSE (CABN 152348)  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                                 |   |   |
|---------------------------------|---|---|
| UNITED STATES OF AMERICA,       | ) | No. CR 16-00440 WHA                         |
|                                 | ) |   |
| Plaintiff,                      | ) | STIPULATION AND <del>[PROPOSED]</del> ORDER |
|                                 | ) | EXCLUDING TIME FROM APRIL 4, 2018,          |
| v.                              | ) | THROUGH APRIL 17, 2018.                     |
|                                 | ) |   |
| YEVGENIY ALEXANDROVICH NIKULIN, | ) |   |
|                                 | ) |   |
| Defendant.                      | ) |   |
|                                 | ) |   |
|                                 | ) |   |

Defendant Yevgeniy Nikulin, represented by Deputy Federal Public Defender Gabriela Bischof, and the government, represented by Assistant United States Attorneys Michelle J. Kane and Matthew A. Parrella, hereby stipulate to the following:

1. The parties appeared before the Court on April 4, 2018, for a detention hearing and attorney appointment.

2. The Court set the next appearance in the case before United States District Judge William Alsup on April 17, 2018, at 2:00 p.m. The Court also set a further status conference regarding the defendant's financial affidavit for April 30, 2018, at 9:30 a.m., before United States Magistrate Judge Elizabeth D. Laporte;

STIPULATION & ~~[PROPOSED]~~ ORDER  
CR 16-00440 WHA

1           3.       The parties agreed that the time until the next appearance on April 17, 2018, was  
2 necessary for effective preparation of counsel. The government and defense therefore agreed on an  
3 exclusion of time under the Speedy Trial Act between April 4, 2018, and April 17, 2018, and the Court  
4 so ordered;

5           4.       At the hearing, the parties and the Court signed a stipulation and order excluding time  
6 under the Speedy Trial Act, which was filed as ECF No. 11, however, the stipulation erroneously listed  
7 the period of exclusion as April 4, 2018, through *April 10, 2018*;

8           5.       To clarify the record, the parties hereby agree that the time between April 4, 2018, and  
9 April 17, 2018, is necessary for effective preparation, taking into account the exercise of due diligence,  
10 and that the ends of justice served by excluding the period from April 4, 2018, through April 17, 2018,  
11 from Speedy Trial act calculations outweigh the interests of the public and defendant in a speedy trial, in  
12 accordance with 18 U.S.C. §§ 3161(h)(7)(A) and (B).

13 IT IS SO STIPULATED.

14 DATED: April 6, 2018

Respectfully submitted,

15                   ALEX G. TSE  
16                   Acting United States Attorney

17                   \_\_\_\_\_  
18                   /s/  
19                   MICHELLE J. KANE  
20                   MATTHEW A. PARRELLA  
21                   Assistant United States Attorneys

22                   STEVEN G. KALAR  
23                   Federal Public Defender

24                   \_\_\_\_\_  
25                   /s/  
26                   GABRIELA BISCHOF  
27                   Counsel for Yevgeniy Alexandrovich  
28                   Nikulin

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**ORDER**

Based upon the representations of counsel at the April 4, 2018, hearing and the written stipulation, and for good cause shown, the Court finds that failing to exclude the time between April 4, 2018, and April 17, 2018, would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between April 4, 2018, and April 17, 2018, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time between April 4, 2018, and April 17, 2018, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: April 10, 2018



HON. ELIZABETH D. LAPORTE  
United States Magistrate Judge